

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA 1-20
600 GRANBY STREET
NORFOLK, VIRGINIA 23510

BOBBIE RAY EDWARDS

UNITED STATES DISTRICT COURT CASE No. 2-12-CR0053
OFFICERS 28 USC 1313
TAMARA TICHESON, COURT REPORTER AND
LORRAINE HOWARD, DEPUTY CLERK FRCP 60(d)(3)
FRAUD ON THE COURT

MOTION PURSUANT TO FRCP 60(d)(3)
"FRAUD ON THE COURT"

Petitioner in preparing this litigation pro-se without the assistance of counsel would respectfully request liberal construction of this argument and pleading accordingly. Haines v. Kerner 404 U.S. 519, 520 (1972) (per curiam); Dye v. Hofbauer 546 U.S. 1 (2005); Upshur v. United States 742 F.2d 887, 896 (D.C. 1998)

JURISDICTION

Rule 60(d)(3) provides that "this rule is not limit on a court's power to... Set aside a judgement for Fraud on the Court Fed Rule P. 60(d)(3)

"Therefore, relief based on Fraud on the Court involves corruption of the judicial process"

CLAIM

WHERE THE GOVERNMENT GAVE THE JURY CHARGE, TO THE JURY, AND THE JUDGE FAILED TO GIVE ORALLY ALOUD IN OPEN COURT A CHARGE ON THE ELEMENTS OF THE OFFENSES CHARGED IN THE INFORMATION OR INDICTMENT AGAINST THE DEFENDANT PURSUANT TO F.R.C.P 30 AND WHERE THE COURT REPORTER FALSIFIED DOCUMENTS COMMITTING "FRAUD ON THE COURT" PURSUANT TO F.R.P. 60(d)(3) WARRANTS AUTOMATIC REVERSAL.

STATEMENT OF CASE

The non disclosure and cover-up, as a matter of record of the fact that Judge Arendia Wright Allen "Invited error" by permitting the government, Laura Tayman to give in open court 64 instructions on charges against the defendant to the jury in open court proceeding Friday 6/8/2012 ECF #963 and where Tamara Ticherson, Court Reporter edited out that part

of The proceeding deliberately, deceitfully,
dishonestly falsified documents Monday 6/11/2012
ECF #966 and Transcripts of Case 4:11

Cross 55 AWA-DEM Document 1082 Filed
01/02/2013 page 15 of 17 ID # 10312, proceeding
in open court "Jury Charge" by Judge ARENDA
WRIGHT ALLEN who never gave orally aloud in
open court to the jury on the elements of
the offenses charged against the defendant
in the information or indictment. There are
no minutes or audio tapes of such a
proceeding in open court. Court Reporter
Tamara Ticherson committed "Fraud on the Court"
pursuant to 60(d)(3), not inadvertently, nor
mistakenly but intentionally concealed the
"invited error" by the court.

STATEMENT OF FACTS

Judge Arenda Wright Allen never gave a
jury charge on the elements of the offenses
charged in the information or indictment
against the defendant orally aloud in open
court Friday 6/8/2012 ECF #963. It was
insufficient to give a copy of the jury

Charge made by the government, Laura Tayman of the 64 instructions given by her to the jury to take back to the jury room to deliberate upon. The prosecutor Laura Tayman was complicit in the invited error pursuant to rule 30 and 60(d)(3). However, the records of this proceeding was edited out of the Friday 6/8/2012 ECF #963 proceeding by the Court Reporter Tamara Ticherson and certified by Judge Aneida Wright Allen. The clerk of court, Fernando Galino in response to a letter from the defendant requesting to purchase minutes of the "Jury Charge" made in open court Monday 06/11/2012 recorded by the Court Reporter. The clerk responded:

Please be advised that the jury (charge) instructions charged to the jury 6/8/2012 are not part of ECF #963. Also the closing statement of counsel is not part of ECF #966.

See attached letters from the clerk 2/17/2022; 2/25/2022. Also attach docket copy 06/08/2012 ECF #963; 06/11/2012 ECF #966.

SEE ALSO: Attached Document
 4:11 Cr00055-AWA-DEM Document
 # 966 filed Monday 06/11/12 page 1 of 2
 page ID # 8008-09 falsified Statement
 of Tamara Ticherson, Court Reporter;

JURY RECEIVED JURY CHARGE

See attached interjection of false minutes
 (cover up by Tamara Ticherson) in Transcripts
 of Monday, June 11, 2012 (ECF No. 1082)
 17 pages filed 01/02/13 page 15 of 17 pages
 ID # 10312 Lines 1-7:

1. xxxxxv xxxxxv xxxxxv
2. (the jury instructions are given by the Court
3. Closing arguments of attorneys, alternate Juror excused
4. Jury deliberates, jury questions, jury verdict, jury argument
5. of Counsel concerning forfeiture, jury verdict, jury excused
6. And proceeding continued as follows)
7. xxxxxv xxxxxv xxxxxv

Lines 2-6 are interpolations, parenthesis
 noting interjections by the Court Reporter

Tamara Ticherson's deposition from the Court Reporter Act pursuant to 28 U.S.C. 753(b) that requires that Court Reporter shall record verbatim (word for word) by shorthand or by mechanical means all proceedings in criminal cases had in open court. This language is clear: Its requirements are mandatory.

The clerk of Court, Fernando Galindo's letter to defendant 2/25/2022 corroborates Petitioner's Affidavit of proceeding held in open court Friday 6/8/2012 ECF # 963. See attached Affidavit of Petitioner executed [REDACTED] 2/26/2023

Tamara Ticherson after editing out the proceeding of the jury charge given by the prosecutor, Laura Tayman Friday 6/8/2012 ECF # 963 apart of the scheme to cover up the "Invited Error" of Judge Arenda Wright Allen, placed a jury charge as given on different documents on Monday 6/11/2012 so as to be reviewed under a standard of "good faith".

When in fact, there was no jury charge given orally aloud in open court on the elements of information or charges in the indictment by Judge Allen who certified transcripts and

other documents knowing the Court Reporter's conduct under the Court Reporter's Act pursuant to 753(b) was deceitful, dishonest and not in "good faith". The Court Reporter attempted to cover up an "invited error" by the Court with indications that Judge Allen and the prosecutor Laura Tayman were complicity involved.

ADMINISTRATIVE REMEDY

Petitioner diligently sought access to the minutes of the jury charge given in open court by Judge Andrew Wright Allen on the elements of offenses charged in the information or indictment against Petitioner orally aloud in open court in order to pursue post conviction Relief. See memorandum to Court Reporter 8/3/22; also memorandum to Chief Judge Mark Davis 9/8/22 with no response from neither. These memorandums were followed by filing motion to access Federal Records pursuant to 28 U.S.C 1331 Case No. 2-22-7-CV00553. After Ms Teresa Frink contacted Court Reporter Tamara Ticherson by phone inquired about the minutes of "Jury Charge" made in

open Court. The Court Reporter Response was "I don't know what I did with the minutes of the jury charge". Ms Ferriks also asked about the backup audio tapes of the minutes concerning the jury charge. The Court Reporter Responded "There was none".

After careful examinations of the records and letters of the clerk of Court Fernando Galindo a reflection and analyze of F.R.C. 30 it became apparent that Judge Aveland Wright Allen had "Invited error" by allowing the prosecutor to give 64 instructions directly to the jury in open Court Friday 6/8/2012 ECF# 963 as referred to by the clerk of Court Fernando Galindo. Present at the proceeding was also deputy clerk Lorraine Howard.

The fact that Court Reporter Tamara Ticherson edited out the "jury charge" made by the prosecutor and placed the charge made that Friday 6/8/2012 ECF# 963 on a Monday 6/11/2012 ECF# 966 Interjecting that it was made by Judge Allen when there was not, elevated the court's "invited error" to that of "Fraud on Court" pursuant to 60(a)(3). Deputy clerk Lorraine Howard was

also present and aware that Judge Arendt Wright Allen never gave a jury charge orally aloud on the element of the offenses charged in the information or indictment neither Friday 6/8/2012 ECF# 963 nor Monday 6/11/2012 ECF# 966. The information from the clerk's office corroborates Petitioner's Attached Affidavit date 2/26/2023. New disclosure of the transcripts of the proceeding by the Court Reporter certified by Judge Allen to members of the court instilled uncertainty and cynicism.

STANDARD OF REVIEW

Fed. R. Civ. P. 60(d)(3), See Trawlers Indus. Co. v. Gore, 761 F.2d 1549, 1551 (11th Cir 1985). FRAUD on the Court constitute "only that species of fraud which does or attempts to defile the Court itself, or is fraud perpetrated by officers of the Court as that the judicial machinery cannot perform in the usual manner its impartial task of adjudging cases Trawlers, 761 F.2d. at 1551-52. Stated differently to prevail on a motion to set aside a judgement for fraud on the Court the movant must show

an unwarrantable plan or scheme which is designed to improperly influence the court in its decision, United States v. Wickers 2015 U.S. DIST LEXIS 96650 "6", 2015 WL 4571304 "5" (M.D. Fla July 28, 2015) quoting Rozier v Ford Motor Company 573 F.2d 1332, 1338 (5th Cir 1978).

The Fourth Circuit explains "Fraud on the Court is Nebulous concept" that should be construed very narrowly lest it entirely swallow up Rule 60(b)(3). FOX 739 at 136 (Citing Great Coastal Express Inc, 675 F.2d at 1356). Proving fraud on the Court is a very high bar for any litigant and is limited to the "most egregious cases" where the integrity of the normal process of adjudication is seriously affected. Id at 136-37. See also Great Coastal Express Inc 675 F.2d 1356; Campbell v Shulkin U.S. DIST 197792, May 12, 2017.

Specific examples of what might constitute Fraud on the Court include bribing a judge, tampering with a juror, or an officer of the Court including an attorney. In re Genevys Data Technologies Inc 204 F.3d 130 (4th Cir 2000).

A petitioner must establish that the fraud was material and deliberate. United States v. McDonald 161 F.3d 4 (4th Cir 1998) and

That Fraud could have been prevented through the ordinary adversary process United States v. AM 694 F.2d 277 (4th Cir 2016). Also, an impartial function of the court has been directly corrupted. Ramsay v. Smirbel Lowdcastr 2015 U.S. DIST LEXIS 80285, 2015 WL 3830891 (BD Va June 9, 2015). The doctrine particular to corruption of the judicial process itself. Cleveland Demolition Co v Azow Scrap 827 F.2d 986 (4th Cir 1986)

To show Fraud on the court Rule 60(d)(3) The majority of the circuits have held that the movant must show (1) intentional (2) by an officer of the court (3) which is directed at the court itself (4) in fact deceives the court" Herring v. United States, 424 F.3d 384, 386 (3rd Cir 2005); United States v. Buck 281 F.3d 1336, 1342 (10th Cir 2002); Campbell v. Norton 33 F.3d 1128, 1150, 357 U.S. App. D.C. 306 (D.C. 2003); United State v McDonald No 97-7997 1998 U.S. App. LEXIS 22873, 1998, WL 637184 at #4 (4th Cir. Sept 8, 1998) The Sixth Circuit, however has held that Fraud on the court may be either "intentionally, false willfully blind to the truth or reckless disregard for truth" Rodriguez v Schwartz, 965 App. 304, 509 (6th Cir 2012)

ARGUMENT

The court "invited error" when it allowed the prosecutor, Laura Tayman to give 64 instructions to the jury in open court as referred to in a letter from The Clerk of Court Fernando Galindo 2/25/2022 as "Jury Charge":

Please be advised that the jury instructions Charge to the jury (Friday) on 6/8/2012 are NOT part of ECF# 963,

Also closing statements of counsel is NOT part of #966 (Monday 6/11/2012)"

Present at the proceeding Friday, 6/8/2012 ECF # 963 and the proceeding Monday, 6/11/2012 was deputy clerk Lorraine Howard who can attest as a matter of record that Judge Arowda Wright Allen fail to give orally aloud in open court on either occasion a jury charge on the elements of offenses charged in the information or indictment against the defendant.

After the "invited error" by the court pursuant to rule 30 the "invited error" was elevated to "FRAUD ON THE COURT" pursuant FR. Cr. P. 60 (d)(3) when court Reporter Tamar Tcheresov attempted to conceal and falsify minutes of the "Jury Charge". Judge Allen certified the minutes. It was insufficient merely to suggest by Judge Allen that she would provide a copy of the instructions on 6/8/2012 made in open court by the prosecutor. The court reporter's conduct hinges on a violation of 18 U.S.C. 1512 obstruction of Justice and 18-USC 1515 a federal proceeding. See People of Guam v. Marquez, 963 F.2d 1316 (9th Cir 1992). (The refusal of Trial Judge to read the element orally aloud to the jury compels an automatic Reversal).

In the instant case there was no instruction by the District Judge orally aloud in open court on the elements and nature of the charge or offense in the information or indictment, nor was there a request for one. The court of Appeals in United States v. John Guntton Hutchinson, 338 F.2d 991, 1964

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App LEXIS 3825 NO 9460 (4th Cir 1964) held
na This court cannot and will not affirm a
conviction by a jury unless the District
Court (Judge) instructs as to the elements
of the offense charged in the information
or indictment, whether requested or not. The
Trial Court cannot adopt by reference the
exposition of the law as argued to a jury
by counsel and escape the duty to instruct
under rule 30 of The Rules of Criminal
Procedure, the most important and essential
elements of the crime charged. There can
be no substitute for such instructions to the
jury by the judge in the presence of counsel
and defendant. United States v Noble 155 F.2d
315 (3rd Cir 1946). Defendant asserted that
the Trial judge failed to properly instruct
the jury as to the nature and elements of
the crime was error. See United States v Steven
Polowichak 783 F.2d 416, 1986 U.S. App.
LEXIS 22073 held the court would not affirm
a conviction of defendant by a jury unless
the district court instructed the jury about
the elements of the offense charged in the
information or indictment, whether requested

or NOT, See United States v Hutchinson,
338 F.2d 991 (4th Cir 1964); See also United States
v Head 641 F.2d 182, 184 (4th Cir 1980).

Judge Arowda Wright Allen by certifying
Transcripts permitted Tamara Tricherson, Court
Reporter to alter the transcripts, where the
Court Reporter ACT 753(b) mandates verbatim
(word for word) of proceeding held in open court
proceeding such as the proceeding held in open
court Friday 6/8/2012 ECF # 963. The court
Reporter attempted to conceal material
deliberately that would deceive the court of appeals
by editing out the "invited error". where the judge
allowed the prosecutor to give 64 jury instructions
to the jury in an open court proceeding Friday
6/8/2012 ECF # 963. Then later modified
electronically or duplicative as a "Revised"
Recommendation "Jury instructions" by the
prosecutor. Laura Tayman reflected on the docket
now as 05/29/2012 ECF # 953. Also edited out
of the same proceeding held Friday 6/8/2012
ECF # 963 was the statement by the judge
to defense attorney Jason Dunn would he "like
to add anything to the prosecutor's 64 instructions
which he added 37 instructions. After which

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The judge stated to the jury "You will receive a copy of the instructions to take to the jury room to deliberate over. The same 3 instructions added by Jason Dunn appeared modified electronically or duplicative of a

"Supplemental instruction reflected. 05/30/2012 on the docket ECF #955 a day after the prosecutor's "Revised Recommendation" Flawed because Attorney Melinda Clay's (first defendant attorney) written recommended instructions not read orally aloud to the jury as the prosecutor's since rule 30 procedure was changed by the court. However the proceeding on the "jury charge" was edited out by the court reporter certified records by the judge as if it never occurred. The clerk of court Fernando Galindo acknowledge that the "jury charge" was given but does not mention it was given by the prosecutor in a letter to Petitioner 2/25/2022 attached it reads:

PLEASE BE ADVISED THAT JURY INSTRUCTIONS CHARGED TO THE JURY

ON 6/8/2012 ARE NOT PART OF ECF #963
 ALSO THE CLOSING STATEMENT OF COUNSEL
 NOT PART OF ECF #966

Yet, the document #963 Filed 6/8/2012
 page 1 of 2 #8000 Attached indicate that
 the jury is not part of the open court
 court proceeding where Judge Avenida Wright
 Allen was present, deputy clerk Lorraine
 Howard and Court Reporter Tamara Ticherson
 all were present and the document
 indicates jury charge was edited
 out of the proceeding as stated in the
 Clerk of Court Fernando Galindo's letter
 2/25/2012 Also his letter supports
 Petitioner's affidavit attached.

Also Judge Avenida Wright Allen, deputy
 clerk Lorraine Howard and Court Reporter
 Tamara Ticherson were present at the
 open court proceeding document #966
 filed 6/11/2012 page 1 of 2 ID #8008
 Attached. In this proceeding the
 Court Reporter falsified the document
 E.F.C. #966 Certified by Judge Allen
 that "Jury Received Court's Charge"

When in fact Judge Allen never gave in open court orally aloud in open court a jury charge on the elements of the offenses charged in the information or indictment against the petitioner Monday 6/11/2012 ECF # 966 there no minutes nor audio tapes to the support jury charge on Monday 6/11/2012 by Judge Allen nor 6/8/2012.

Also, the document of a 'jury charge' given by Judge Allen in the Transcript Case 4:11-cr-00055-AWA-DEM Document 1082 Filed 01/02/2013 Page 10 #10312 amount to false and to be certified by Judge Allen is egregious as it amounts to "fraud on the Court" pursuant to 60(d)(3).

IN CONCLUSION

Because of the forementioned, the court should require an evidentiary hearing to determine disputed facts; vacate or motion the court of Appeals to "recall the mandate"; reverse for a new trial as a result of a grave miscarriage

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of justice. Also the recusal of Judge
Arenda Wright Allen involving any post
conviction motion pending of Petitioner.

Pursuant To 28 USC 1746 I Bobbie Ray Edwards
declare under the penalty of perjury that
the foregoing is True and correct.
executed October, 31, 2023

BOBBIE RAY EDWARDS #10497007
-75/ Bobbie R Edwards

U.S.P HAZELTON

P.O BOX 2000

HAZELTON, MILLS, WV

26525

19-20

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Arenda Wright Allen involving any post
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Pursuant To 28 USC 1746 I Bobbie Ray Edwards
declare under the penalty of perjury that
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Executed October, 31, 2023

BOBBIE RAY EDWARDS #10497007

TS/ Bobbie Ray Edwards

U.S.P HAZELTON

P.O BOX 2000

BRUNETON, MILLS, WV

26525

CERTIFICATE OF SERVICE

I certify that on 31 of October, 2023
 the foregoing motion pursuant to 28
 U.S.C. 1331 and F.R.C.P. 60(d)(3)
 "FRAUD ON THE COURT" was filed with The
 Clerk of Court, United States District
 Court for Eastern District, 600 GRANBY
 Street, Norfolk Virginia 23510. In
 addition a copy of the foregoing was mailed
 To:

cc: DOJ
 cc: ACLU
 cc: Georgetown
 Prison Project
 cc: Washington Post
 cc: Congress
 Judicial Comm:
 cc: Virginia Law Sch
 cc: Teresa Franks

Devon E.A. Heath
 Assistant United State Attorney
 Attorney for Government
 United States Attorney's Office
 Fountain PLAZA three Suite 300
 721 Lakefront Commons
 Newport News, Virginia.
 23606

Respectfully Submitted
 BOBBIE REDWARDS
 [Signature]

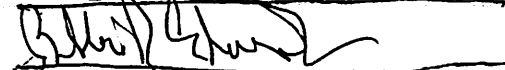
10/31/2023

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cc: DOJ
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 cc: Virginia Law Sch
 cc: Teresa Franks

Devon E.A. Heath
 Assistant United State Attorney
 Attorney for Government
 United States Attorney's Office
 Fountain PLAZA three Suite 300
 721 Lakefront Commons
 Newport News, Virginia.
 23606

Respectfully Submitted
 BOBBIE R EDWARDS


10/31/2023

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA

FERNANDO GALINDO
CLERK OF COURT

MARK DAVIS
CHIEF JUDGE

February 17, 2022

Bobbie Ray Edwards, #10497-007
USP Hazelton
P.O. Box 2000
Bruceton Mills, WV 26525

RE: USA v. Taylor et al
4:11cr55

Dear Mr. Edwards,

The Clerk's Office is in receipt of your letter dated February 13, 2022.

The page counts for the requested documents are listed below:

Notice of Armed Criminal Status (ECF No. 954): 11 pages
Supplemental Jury Instructions (ECF No. 955): 6 pages
Jury Trial Minutes for Day #4 (ECF No. 963): 2 pages
Jury Trial Minutes for Day #5 (ECF No. 966): 2 pages

The closing arguments and jury instructions could not be located on the docket.

The fee for documents is \$0.10 (ten cents) per page. If you wish to purchase copies of these documents, payment by check or money order should be made in the amount of \$2.10 payable to Clerk, U.S. District Court, and mailed to this office along with the written request. It is imperative that payment of the exact amount due be remitted, as the Clerk's Office cannot accept overpayments, and same will be returned unprocessed.

Sincerely,

/s/
Fernando Galindo, Clerk
By: Deputy Clerk

LADDENUM 2)

9-89

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA

FERNANDO GALINDO
CLERK OF COURT

MARK DAVIS
CHIEF JUDGE

February 25, 2022

Bobbie Ray Edwards
Register Number: 10497-007
USP Hazelton
P.O. Box 2000
Bruceton Mills, WV 26525

RE: USA v. Bobbie Ray Edwards
4:11cr55

Dear Mr. Edwards,

The Clerk's Office is in receipt of your letter requesting copies that was received from Ms. Teresa Frink with payment. Included with this letter are copies of the requested documents – ECF #954, ECF #955, ECF #963, ECF #966, and ECF #1051.

Please be advised that the jury instructions charged to the jury on 6/8/2012 are not part of ECF #963. Also, the closing statement of counsel is not part of ECF #966.

Thank you.

Sincerely,

/s/

Fernando Galindo, Clerk
By: Deputy Clerk

(ADDENDUM 3)

06/07/2012 10-89	<u>961</u>	Jury Trial proceedings (Day #3) held before District Judge Arenda L. Wright Allen as to Bobbie Ray Edwards on 6/7/12. Laura Tayman present on behalf of the government. Jason Dunn present on behalf of the defendant. Defendant present and in custody. Court addressed a juror with a possible need to be excused. Government resumed presentation of evidence before jury. Court read into the record and filed in open court the Joint Trial Stipulations(1) re Exhibits 9-A, 9-B and 9-C. Jury excused until 9:00 a.m. tomorrow, 6/8/12 for continuation of jury trial.(Court Reporter Tamora Tichenor.) COURT HOURS: 9:00 a.m. - 4:05 p.m. LUNCH RECESS: 12:30 p.m. - 1:30 p.m.(lhow) (Entered: 06/07/2012)
06/07/2012	<u>962</u>	JOINT STIPULATIONS (#1) by USA and Bobbie Ray Edwards as to Bobbie Ray Edwards. Court read stipulations into the record and filed. (lhow) (Entered: 06/08/2012)
06/08/2012 29 27 Jury excused	<u>963</u>	Jury Trial proceedings (Day #4) held before District Judge Arenda L. Wright Allen as to Bobbie Ray Edwards on 6/8/2012: Laura Tayman present on behalf of the government. Jason Dunn present on behalf of the defendant. Defendant present and in custody. Matter came on for Day #4 of trial with jury. Government resumed presentation of evidence before jury. Court read into the record and filed in open court the Joint Stipulations (2). Government rested. Jury excused until 9:00 a.m. Monday, 6/11/12 for continuation of jury trial. Out of the presence of the jury Oral Motion for Judgment of Acquittal on all Counts by counsel for defendant. Court ruled and FINDS <u>sufficient evidence for case to go to jury</u> . Out of the presence of the jury, the Court and counsel reviewed the jury instructions. Court adjourned (Court Reporter Tamora Tichenor.) COURT HOURS: 9:00 a.m. - 3:10 p.m. LUNCH RECESS: 12:30 p.m. - 1:30 p.m. (lhow) (Entered: 06/08/2012)
06/08/2012	<u>964</u>	JOINT STIPULATION (#2) by USA and Bobbie Ray Edwards. Court read stipulation into the record and filed in open court. (lhow) (Entered: 06/08/2012)
06/11/2012	<u>966</u>	Jury Trial proceedings (Day #5) held before District Judge Arenda L. Wright Allen as to Bobbie Ray Edwards on 6/11/2012: Laura Tayman present on behalf of the government. Jason Dunn present on behalf of the defendant. Defendant present and in custody. Matter came on for Day #5 of trial with jury. Defendant presented evidence and rested before jury. Jury excused. Out of the presence of the jury, counsel for defendant renewed Oral Motion for Judgment of Acquittal on all counts. Court ruled and FINDS <u>sufficient evidence for case to go to jury</u> . <u>Jury received Court's charge.</u> <u>Closing statements of counsel heard.</u> Alternate juror excused. Jury retired with <u>instructions to begin their deliberations</u> , returning later with a verdict. Special Verdict read into the record and filed in open court. Jury polled on special verdict, all answering in the affirmative. Jury received Courts charge re forfeiture. Arguments heard by counsel re forfeiture. Jury again retired with instructions to begin their deliberations re forfeiture, returning later with a verdict. Special Verdict No. 1 read into the record and filed in open court. Jurors excused. Sentencing Procedures Order entered and filed in open court. Unsigned copy of Sentencing Procedures Order furnished to defendant. Sentencing set for October 19, 2012 at 11:00 a.m.-in the Courthouse in Norfolk. Motion of government to substitute tangible items of evidence for photos. Motion granted by the Court. Defendant remanded to the custody of the USM. (Attachments: # 1 Witness List, # 2 Exhibits List) (Court Reporter Tamora Tichenor.) COURT HOURS: 9:00 a.m. - 3:35 p.m. Lunch Break: 1:05 p.m. - 2:05 p.m.(lhow) (Entered: 06/12/2012)

05/21/2012	<u>946</u>	ORDER denying <u>388</u> Motion to Suppress as to Bobbie Ray Edwards (10); denying <u>580</u> Motion to Suppress as to Bobbie Ray Edwards (10). Signed by District Judge Arenda L. Wright Allen on 5/18/2012 and filed 5/21/2012. (tjoh,) (Entered: 05/21/2012)
05/23/2012	<u>948</u>	NOTICE of Intention to Use Rule 404(b) Evidence by USA as to Bobbie Ray Edwards (Tayman, Laura) (Entered: 05/23/2012)
05/24/2012	<u>949</u>	Transportation Order as to Bobbie Ray Edwards. Signed by District Judge Arenda L. Wright Allen on 05/23/2012 and filed 05/24/2012. (tjoh,) (Entered: 05/24/2012)
05/29/2012	<u>951</u>	PROPOSED FORFEITURE JURY INSTRUCTIONS OF THE UNITED STATES Proposed Jury Instructions by USA as to Bobbie Ray Edwards (Putney, Scott) (Entered: 05/29/2012)
05/29/2012	<u>953</u>	Proposed Jury Instructions by USA as to Bobbie Ray Edwards (Tayman, Laura) (Entered: 05/29/2012)
05/29/2012	<u>954</u>	NOTICE of Armed Career Criminal Status by USA as to Bobbie Ray Edwards (Attachments: # <u>1</u> Exhibit First, # <u>2</u> Exhibit Second, # <u>3</u> Exhibit Third)(Tayman, Laura) (Entered: 05/29/2012)
05/30/2012	<u>955</u>	Supplemental Proposed Jury Instructions by Bobbie Ray Edwards (Dunn, Jason) (Entered: 05/30/2012)
05/30/2012	<u>956</u>	Subpoenas issued (tjoh,) (Entered: 05/31/2012)
06/05/2012	<u>957</u>	Jury Trial proceedings (Day 1) held before District Judge Arenda L. Wright Allen as to Bobbie Ray Edwards held on 6/5/2012: Laura Tayman present on behalf of the government; Jason Dunn present on behalf of the defendant; Defendant present and in custody; Petit jurors were sworn, examined on voir dire and from said panel came a jury who were duly sworn. Jurors not serving excused. Opening statements of counsel heard. Government presented evidence. Voir Dire held on 6/5/2012. Jury Trial continued for 6/6/2012 at 09:00 AM in Newport News Courtroom 1 before District Judge Arenda L. Wright Allen. (Court Reporter Tamora Tichenor.)(lhow) (Main Document 957 replaced on 6/6/2012) COURT HOURS: 10:00 a.m. - 4:55 p.m. LUNCH RECESS: 1:15 p.m. - 2:30 p.m. (lhow,) (Entered: 06/05/2012)
06/06/2012	<u>960</u>	Jury Trial proceedings (Day #2) held before District Judge Arenda L. Wright Allen as to Bobbie Ray Edwards on 6/6/2012. Laura Tayman present on behalf of the government. Jason Dunn present on behalf of the defendant. Defendant present and in custody. Matter came on for Day #2 of trial with jury. Out of the presence of the jury, Rule 404(b) before the court. Objections heard and overruled by the Court. Out of the presence of the jury, Rule 609 before the court by the government. The court notified counsel that a ruling will take place at the appropriate time. Out of the presence of the jury, court brought forth matter of a juror seeking to be excused. No objections of counsel. The juror in question came before the court and notified the court the conflict/issue was resolved and no longer necessary to be excused. Government resumed presentation of evidence before jury. Jury excused until 9:00 a.m. tomorrow, 6/7/12 for continuation of jury trial. (Court Reporter Tamora Tichenor.) COURT HOURS: 9:00 a.m. - 5:00 p.m. LUNCH RECESS: 1:00 p.m. - 2:00 p.m. (lhow) (Entered: 06/06/2012)

12/01/2011	<u>586</u>	MOTION in Limine to <i>Exclude Evidence of Other Bad Acts</i> by Bobbie Ray Edwards. (Glaubke, Melinda) (Entered: 12/01/2011)
12/01/2011	<u>587</u>	Memorandum in Support by Bobbie Ray Edwards re <u>586</u> MOTION in Limine to <i>Exclude Evidence of Other Bad Acts</i> (Attachments: # <u>1</u> Exhibit)(Glaubke, Melinda) (Entered: 12/01/2011)
12/07/2011	<u>610</u>	Subpoenas issued (tjoh,) (Entered: 12/09/2011)
12/08/2011	<u>609</u>	RESPONSE in Opposition by USA as to Bobbie Ray Edwards, Bettina May Perry re <u>589</u> MOTION to Sever Defendant, <u>584</u> MOTION for Separate Trial on Counts Bobbie Ray Edwards (10) Count 23s,24s, <u>580</u> MOTION to Suppress, <u>586</u> MOTION in Limine to <i>Exclude Evidence of Other Bad Acts</i> , <u>591</u> MOTION to Strike <i>Surplusage and Motion to Exclude Other Bad Acts</i> , <u>582</u> MOTION to Sever Defendant, <u>593</u> MOTION for Discovery <i>Preservation of Notes</i> (Tayman, Laura) (Entered: 12/08/2011)
12/14/2011		Motions Hearing set for 12/16/2011 at 10:00 AM in Norfolk Courtroom 3 before District Judge Arenda L. Wright Allen. (lhow) (Entered: 12/14/2011)
12/14/2011	<u>620</u>	MOTION for Issuance of Subpoenas by Bobbie Ray Edwards. (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Exhibit)(Glaubke, Melinda) (Entered: 12/14/2011)
12/14/2011	<u>621</u>	Subpoenas issued (tjoh,) (tjoh,). (Entered: 12/14/2011)
12/14/2011		Terminate Motions hearing set for 12/16/11 at 10:00 a.m. (lhow) (Entered: 12/14/2011)
12/14/2011	<u>624</u>	Subpoenas issued (tjoh,) (Entered: 12/15/2011)
12/20/2011	<u>629</u>	Subpoenas (2) Returned Unexecuted as to Bobbie Ray Edwards. (bnew) (Entered: 12/21/2011)
12/22/2011	<u>636</u>	ORDER granting <u>620</u> Motion for Issuance of Subpoenas as to Bobbie Ray Edwards (10). Signed by District Judge Arenda L. Wright Allen on 12/22/2011 and filed on 12/22/2011. (bnew) (Entered: 12/22/2011)
12/22/2011	<u>640</u>	Subpoena issued. (bnew) (Entered: 01/03/2012)
01/03/2012		Motions Hearing set for 1/9/2012 at 02:30 PM in Norfolk Courtroom 3 before District Judge Arenda L. Wright Allen. (lhow) (Entered: 01/03/2012)
01/04/2012	<u>641</u>	Two (2) Subpoenas issued. (mnew) (Entered: 01/04/2012)
01/06/2012	<u>661</u>	Subpoena Returned Executed as to Bobbie Ray Edwards. (bnew) (Entered: 01/09/2012)
01/07/2012	<u>656</u>	Proposed Jury Instructions by Bobbie Ray Edwards (Glaubke, Melinda) (Entered: 01/07/2012)
01/09/2012	<u>662</u>	Petition and Order for Writ of Habeas Corpus ad Testificandum as to Edward Alphonse Hill, Bobbie Ray Edwards, Adriane Michael Chambers, Bettina May Perry (Signed by Magistrate Judge F. Bradford Stillman on 1/9/12) & filed on 1/9/12. (mnew) (Entered: 01/10/2012)
01/09/2012	<u>663</u>	Writ of Habeas Corpus ad Testificandum Issued as to Tony Boothe for January 17, 2012 at 10:00 a.m. in case as to Edward Alphonse Hill, Bobbie Ray Edwards, Adriane Michael Chambers, Bettina May Perry. (mnew) (Entered: 01/10/2012)

12-89

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA

NORFOLK DIVISION

Friday, June 8, 2012

MINUTES OF PROCEEDINGS IN Open Court

PRESENT: THE HONORABLE Arenda L. Wright Allen, District Judge

Deputy Clerk: Lorraine Howard

Reporter: Tamora Tichenor, OCR

Set: 9:00 a.m.	Started: 9:20 a.m.	Ended: 3:10 p.m.
Case No. 4:11cr55-10		
United States of America		
v.		
Bobbie Ray Edwards		
(Jury Trial Day #4)		
Laura Tayman present on behalf of the government.		
Jason Dunn present on behalf of the defendant.		
Defendant present and in custody.		
Matter came on for Day #4 of trial with jury.		
Government resumed presentation of evidence before jury.		
Court read into the record and filed in open court the Joint Stipulations (2).		
Government rested.		
Jury excused until 9:00 a.m. Monday, 6/11/12 for continuation of jury trial.		
Out of the presence of the jury Oral Motion for Judgment of Acquittal on all Counts by counsel for defendant. Court ruled and FINDS sufficient evidence for case to go to jury.		
Out of the presence of the jury, the Court and counsel reviewed the jury instructions.		
Court adjourned.		

(ADDENDUM 5)

13-89

Lunch Break: 12:30 p.m. to 1:30 p.m.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA

NORFOLK DIVISION

Monday, June 11, 2012

MINUTES OF PROCEEDINGS IN Open Court

PRESENT: THE HONORABLE Arenda L. Wright Allen, District Judge

Deputy Clerk: Lorraine Howard

Reporter: Tamora Tichenor, OCR

Set: 9:00 a.m.	Started: 9:00 a.m.	Ended: 3:35 p.m.
Case No. 4:11cr55-10		
United States of America		
v.		
Bobbie Ray Edwards		
(Jury Trial Day #5)		
Laura Tayman present on behalf of the government.		
Jason Dunn present on behalf of the defendant.		
Defendant present and in custody.		
Matter came on for Day #5 of trial with jury.		
Defendant presented evidence and rested before jury.		
Jury excused.		
Out of the presence of the jury, counsel for defendant renewed Oral Motion for Judgment of Acquittal on all counts. Court ruled and FINDS sufficient evidence for case to go to jury.		
Jury received Court's charge.		
Closing statements of counsel heard.		
Alternate juror excused.		
Jury retired with instructions to begin their deliberations, returning later with a verdict.		
Special Verdict read into the record and filed in open court.		
Jury polled on special verdict, all answering in the affirmative.		
Jury received Court's charge re forfeiture.		

Arguments heard by counsel re forfeiture.

Jury again retired with instructions to begin their deliberations re forfeiture, returning later with a verdict.

Special Verdict No. 1 read into the record and filed in open court.

Jurors excused.

Sentencing Procedures Order entered and filed in open court.

Unsigned copy of Sentencing Procedures Order furnished to defendant.

Sentencing set for October 19, 2012 at 11:00 a.m. in the Courthouse in Norfolk.

Motion of government to substitute tangible items of evidence for photos.
Motion granted by the Court.

Defendant remanded to the custody of the USM.

Court adjourned.

Lunch Break: 1:05 p.m. to 2:05 p.m.

(Witness List and Exhibits List Attached)

11-89

683

1 *****

2 (The jury instructions were given by the court,
3 closing arguments of the attorneys, alternate juror excused,
4 jury deliberations, jury questions, jury verdict, arguments
5 of counsel regarding forfeiture, jury verdict, jury excused,
6 and the proceedings continued as follows:)

7 *****

8 THE COURT: All right. Mr. Edwards, I have your
9 sentencing procedure order and it's been signed by the
10 attorneys and I have signed it as well. And it's letting me
11 know that your sentencing is going to be on October the 19th,
12 2012, at 11:00 a.m. So we're going to put that in your
13 record.

14 Mr. Edwards, a written presentence report will be
15 prepared by the probation office to assist the court in
16 sentencing you. You will be asked to give information for
17 the report. You have the right to have Mr. Dunn with you and
18 he will be present with you.

19 You are advised that you and your attorney must read
20 the presentence report which will be available at least
21 35 days prior to sentencing. You must file a written
22 statement with the probation office at least 14 days prior to
23 sentencing setting out any objections to facts, assertions or
24 opinions contained in the presentence report. Failure to so
25 file will constitute a waiver of your right to object.

(ADDENDUM 7)

TAMORA TICHENOR, Official Court Reporter

STATE OF WEST VIRGINIA)
COUNTY OF PRESTON)
_____)

I, Bobbie Ray Edwards, herein after referred to as "Affiant", in good faith with full intent for preserving and promoting public confidence willingly declare and duly affirm that all statements herein are true, correct and complete to the best of my knowledge and understanding. Affiant declares the following:

(1) That Affiant was at Trial 6/8/2012, Jury Trial, proceeding held in open court before District Judge Arenda L. Wright Allen as to Bobbie Ray Edwards on 6/8/2012: Laura Teyman present on behalf of the government, Jason Dunn present on behalf of Defendant, Edwards, Defendant present and in custody (ECF # 963).

(2) Affiant heard in open court, jury present, The government give over 64 proposed jury instructions, orally aloud in open

(ADDENDUM 8)

Court proceeding before the jury on 6/8/2012 (ECF #963). After which, the Honorable Arendall Wright Allen asked defense attorney Jason Dunn if he would like to add anything to the government's instructions to the jury. (The jury was still present). Attorney Dunn added 3 more jury instructions only. The judge informed the jury that they would receive a copy of the instructions for the jurors to read in the jury room. At that time Affiant was under the impression that the government and defense attorney had instructed the jury as to the nature and elements of the offenses Affiant was charged with in the indictment. Affiant was impressed with the 64 instructions given by the government and sure the jury was also and Affiant found defense attorney Dunn's 3 instructions less impressive.

(3) Affiant as a result of research of the primary charges, drug conspiracy, aiding and abetting, Pinkerton's vicarious liability,

"research lead to a question of possible
"Collins error" in jury instructions

(4) Affiant for the first time in 12 years
of fighting his case pro-se requested
a copy of the jury instructions given
in open court. the clerk of court sent
a courtesy copy of the docket sheet.
I was not satisfied when I could not
obtain a copy from the Court Reporter
of the jury instructions given in court
orally, aloud in open court on the charge
to the jury on the elements of the
offenses Affiant was charged with in
the indictment in the proceeding
of 6/11/2012 (ECF # 966). What the Court
Reporter submitted of the transcripts
(Case 4:11-cr-00055-AWA-DEM Document
1082 filed 01/02/2013 Page 15 of 17
page ID # 10312) was by Tamara Tichewoy,
Court Reporter an interjection, interpolated,
parenthesize digression away from the Court
Reporter Act 28 USC 753(b) which states
open court proceeding was to be recorded
verbatim. Affiant realized this was in

conflict with what Affiant experienced in open court 6/8/2012 (ECF# 963 Jury Charge) and day of jury charge Friday

(5) Affiant after receiving a copy of the docket sheet noticed that the proceeding in open court 6/8/2012 (ECF# 963) on jury charge and the proceeding on 6/11/2012 differed on jury charge from what Affiant experienced. The jury charge 6/11/2012 by The Court Reporter Tannora Ticherson was edited, doctored and altered completely from what Affiant thought was an open, oral and aloud jury charge by the government, defense attorney and written charge to be given to the jury to read in the jury room 6/8/2012 (ECF# 963), on a Friday.

(6) The clerk of court Fernando Galindo acknowledge through correspondence with Affiant that the jury instructions charged to the jury on 6/8/2012 (ECF# 963) are not part of ECF# 963 as Affiant thought as well, compare letter from

Clerk of Court February 25, 2022, and
inadequate Transcript of proceeding
in open court. Case 4:11-cr-00055-AWA-
DEM Document 1082 Filed 01/02/13
Page 15 of 17 Page ID# 10312; ECF #966

(7) Affiant realize as a result of studying
Rule 30 of the Federal Rule of Criminal
Procedure, "Once the court has indicated
which instructions it intends to give
the court must read those instructions
orally, aloud to the jury. It is insufficient
to provide a copy of the instructions
(as in the instant case) for the jurors
to read in the jury room as instructions
not read orally, aloud in court will
not be preserved for appeal. The refusal
of the Trial Court to read the elements
orally, aloud to the jury compels an
automatic reversal. People of the Territory
of Guam v. Marquez 963 F.2d 3111, 3116
(9th Cir 1992)

(8) Affiant declare That the Honorable Judge Aracida L. Wright Allen failed to give to The jury in open court orally, aloud jury instructions on the offenses charged Affiant, Edwards in the indictment on the elements of The offenses charged in The open court proceeding orally, aloud 6/8/2012 (ECF #963) nor open court proceeding orally, aloud 6/11/2012 (ECF #966).

Pursuant To 28 USC 1746, I Bobbie Ray Edwards, hereby declare under penalty of perjury that the foregoing is True and Correct
Executed this 26th day
of February 2023

Respectfully Submitted
Bobbie Ray Edwards
Reg # NO. 10499007

U.S. P. Hazelton
P.O. Box 2000
Bruneton Mills, W.V.
26525

MEMORANDUM 1-3

TO: TAMORA TICHENOR, Court Reporter, OCR
LORRAINE HOWARD, Deputy Clerk

8/3/22

THRU: Mark S. Davis, Chief Judge
Fernando Galino, Clerk of Court

RE: Case 4:11-cr-00055-AWA-DEM Document 966
filed 06/11/12 Page 1 of 2 ID # 8008:

United States District Court, Eastern District of
Virginia, Norfolk Division, Monday, June 11, 2012
Minutes of Proceeding in Open Court

Present: The Honorable A. Wendell L. Wright, Allen
District Judge

Deputy Clerk LORRAINE HOWARD, Reporter TAMORA TICHENOR
OCR.

Set: 9:am started 9:am. Ended 3:35 PM
United States of America

v.
Bobbie Ray Edwards
Jury Trial Day #5 (see attach)

FROM: Bobbie Ray Edwards

I have requested paid copies of the Transcripts
of the minutes of the above proceeding, on the
Court's charge to the jury on the elements of

The offenses charged in my indictment, made in open court by The Honorable Arewda L Wright Allen, District Judge, to redress the courts to no avail - This is a final attempt to exhaust a required remedy under 27 USC. 753, which requires that proceedings in open court be recorded "verbatim" in the court, 27 USC § 753(b). At a minimum, these records are judicial records within the meaning of the "access rule". There is a common law right to access federal judicial records which can be enforced by means of an ordinary law suit under 28 USC 1331. Smith v. United States 936 F.2d 647 (7th Cir. 1992).

District Courts have jurisdiction under 28 USC § 1331 over claims on federal common law, it is not necessary to have a claim on a federal statute or provisions of the United States Constitution. Even if a party has not stated a claim (cited) to 28 USC § 1331, when jurisdiction is proper district courts do not generally reject jurisdiction just because a pro-se petitioner does not correctly, originally, identify a basis. Materials in which a court relies in determining the

litigant's rights, are judicial records, subject to the right of "public access". Also 18 USC 1512 and 18 USCS 1515 forbid tampering with an official proceeding, federal proceeding. I await your rapid response within ten days on your receipt of this memorandum before proceeding in civil court under 28 USC 1331

Pursuant to 28 USC 1746 I Bobbie Ray Edwards Declare under penalty of perjury that the foregoing is True and Correct
 Executed 8/3/2022

13) Bobbie Ray Edwards #10497-007
 U.S.P. Hazelton
 P.O. Box 2000
 Becceton, Mills. W.V
 26525

COPIES Teresa Frawley
 (757) 660-4517

Tamara Fitchner, Court Reporter OCR
 LORRAINE Howard, Deputy Clerk

MARK S. Davis, Chief Judge

Fernando Galindo, Clerk of Court

File.

23-89

MEMORANDUM

7-21

9/8/22

1-4

TO: Chief Judge, MARK S. DAVIS,
CLERK OF COURT: FERNANDO GALINO,
COURT REPORTER, TAMARA TICHENOR, OCR
DEPUTY CLERK, LORRAINE HOWARD,
DEPUTY CLERK, D BRANDT.

RE: CASE 4:11-CR-00055-AWA-DEM DOCUMENT 1082
filed 01/02/13 page 15 of 17 page ID # 10312.

MINUTES OF PROCEEDING IN OPEN COURT... PRESENT THE
HONORABLE ARENDA L. WRIGHT ALLEN, District Judge
DEPUTY CLERK LORRAINE HOWARD, REPORTER TAMARA TICHENOR, OCR
Set: 9:AM STARTED 9:AM ENDED 3:35 PM.

UNITED STATES V. BOBBIE RAY EDWARDS
(JURY TRIAL DAY #5)

SUBJECT: INACCURACY OF THE STENOGRAPHIC TRANSCRIPTS
PAGE 15 OF 17.

FROM: BOBBIE RAY EDWARDS # 10497007
USP HAZELTON
P.O. BOX 2000
BRUCETON MILLS, WV 26525

HONORABLE JUDGE MARK S. DAVIS, Chief Judge

ADDENDUM A

24-89

2-4

PURSUANT TO THE MINUTES OF THE TRANSCRIPTS FROM
JUNE 11, 2012 (ECF NO. 1082) 17 PAGES FILED 01/02/13.
PAGE 15 OF 17 PAGES ID# 10312 LINE 1-7:

1. xxxxx xxxxx xxxxx
2. (THE JURY INSTRUCTIONS WERE GIVEN BY THE COURT,
3. CLOSING ARGUMENTS OF THE ATTORNEYS, ALTERNATE JUROR EXCUSE
4. JURY DELIBERATIONS, JURY QUESTIONS, JURY VERDICT, JURY ARGUMENT
5. OF COUNSEL REGARDING FORFEITURE, JURY VERDICT, JURY EXCUSED.
6. AND THE PROCEEDING CONTINUED AS FOLLOWS:)
7. xxxxx xxxxx xxxxx

SEE ATTACHED PAGE 15

Lines 2-6 ARE INTERPOLATIONS, PARENTHESIS IS NOTING THE INTERJECTION BY THE COURT REPORTER A DIVERGENCE FROM THE COURT REPORTER ACT 28 USC 753(b) THAT REQUIRES THAT A REPORTER SHALL RECORD VERBATIM (WORD FOR WORD) BY SHORT HAND OR BY MECHANICAL MEANS ALL PROCEEDING IN CRIMINAL CASES HAD IN OPEN COURT. THIS LANGUAGE IS CLEAR AND ITS REQUIREMENTS ARE MANDATORY. SPECIFICALLY, I AM REQUESTING THE JURY INSTRUCTIONS GIVEN BY THE COURT ON THE ELEMENT OF THE OFFENSE CHARGED IN THE INDICTMENT GIVEN TO THE JURY. *THE TRANSCRIPT ON THE JURY CHARGE ON THE ELEMENTS ARE INACCURATE, THUS, I AM REQUESTING FOR A PAID BACK UP COPY OF THE AUDIO TAPE OF THE PROCEEDING OF JUNE 11, 2012 DAY 5 IF THE AUDIOTAPES OF THE PROCEEDINGS EXIST. SEE, SMITH V. UNITED STATES, DISTRICT COURT OFFICERS

3-4

203 F.3d 440, 2000 U.S. App. LEXIS 1562

AUDIOTAPES SHOULD BE DEEMED JUDICIAL RECORDS WHERE THERE IS A DISTRUST OF THE ACCURACY OF THE STENOGRAPHIC TRANSCRIPT CONCERNING THE MINUTES OF A OPEN COURT PROCEEDING ON A "CHARGE OR INSTRUCTIONS TO THE JURY ON THE ELEMENTS OF THE OFFENSES CHARGED IN THE INDICTMENT".

THIS POSITION IS NOT ONLY CONSISTENT WITH THE REGULATIONS AND WITH THE STATUTE (WHICH REQUIRES ONLY THAT THE REPORTER'S ORIGINAL RECORDS BE FILED WITH COURT) BUT ALSO CASE LAW WHICH DEFINES THE RIGHTS OF ACCESS AS A RIGHT TO THOSE RECORDS OF A PROCEEDING THAT ARE FILED IN COURT OR THAT, WHILE NOT FILED, ARE RELIED UPON BY A JUDICIAL OFFICER IN MAKING A RULING OR DECISION. GROVE FRESH DISTRIBUTION INC. V. EVERFRESH JUICE CO. 24 F.3d 893-897 (7th CIR. 1994) SMITH V. UNITED STATES, 956 F.2d 647, 650 (7th CIR. 1992) UNITED STATE V. CORBIT 879 F.2d 224, 237, (7th CIR. 1989) UNITED STATES V. EL-SAYEGH 327 U.S. App. D.C. 308, 131 F.3d 158, 161-62 (D.C. CIR. 1997) UNITED STATES V. AMODEO, 66 F.3d 147, 145-146, (2nd CIR. 1995) OF NIXON V. WARNER COMMUNICATION INC., 435 U.S. 589, 55 L. ED2d 570, 98 S.Ct 1306 (1978). EDWARDS SEEKS AUDIOTAPES THAT WERE FILED IN COURT, IF THESE TAPES EXIST.

THERE IS A COMMON LAW RIGHT TO ACCESS FEDERAL JUDICIAL RECORD WHICH CAN BE ENFORCED BY MEANS OF AN ORDINARY LAW SUIT UNDER 28 U.S.C. 1331; SEE SMITH V. UNITED STATES, 956 F.2d 647, (7th CIR. 1992)

District Courts have jurisdiction under 28 USC 1331 over claims on federal common law, it is not necessary to base a claim on a federal statute or provisions of the United States Constitution. Even if a party has not stated a claim (cited) to 28 U.S.C. 1331, when jurisdiction is proper district courts do not generally reject jurisdiction just because a pro-se petitioner does not originally correctly identify a bases. Materials in which a court relies in determining the litigants rights, are judicial records, subject to the right of "public access" Also 18 USC 1512 and 18 USC 1515 forbid tampering with official judicial proceeding, federal proceeding, that is, I await your rapid response within ten days upon receipt of this exhaustion of administrative remedy before proceeding in the courts.

Respectfully Submitted
18/ Bobbie Ray Edwards / Bobbie Ray Edwards #10497007
U.S.P. Hazelton
P.O. Box 2000
Bucketon Mills, WV 26525

Copies: Teresa FRANK
PH 757-660-4517
File:

Country of origin 1049/007

LSP Hazelton

P.O. BOX 2000

Bruce ton, Mills, WV
26525

U.S. MARSHALS
INSPECTED

CLERK OF COURT FOR THE
U.S. DISTRICT COURT
FOR EASTERN DISTRICT OF VIRGINIA
600 GRANBY STREET
NORFOLK, VIRGINIA
23510

LEGAL MAIL!

